

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LESLIE J. SHAW,

Plaintiff,

v.

CITIMORTGAGE, INC.; *et al.*,

Defendants.

3:13-CV-0445-LRH-VPC

ORDER

Before the court is plaintiff Leslie J. Shaw's ("Shaw") motion for sanctions. Doc #59.¹

I. Facts and Procedural History

This is a wrongful foreclosure and breach of contract action brought by Shaw against defendants. Doc. #1, Exhibit 1. In his complaint, Shaw alleged that he sought a loan modification from defendants. *Id.* ¶8. In response to Shaw's complaint, defendants filed several pleadings and motions in which they argued that Shaw sought the loan modification as a result of being behind on his mortgage payments. Thereafter, Shaw filed the present motion for sanctions against defendants arguing that they have proffered false information to the court, to wit, that he was behind on his mortgage payments prior to seeking a loan modification. Doc. #59.

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¹ Refers to the court's docket entry number.

1 **II. Discussion**

2 The court may, on a party's motion, after notice and a reasonable opportunity to respond,
3 impose appropriate sanctions against another party for any violation of Rule 11(b) of the Federal
4 Rules of Civil Procedure. *See* FED. R. CIV. P. 11(c)(1).

5 In his present motion, Shaw seeks Rule 11 sanctions against defendants for arguing to the
6 court that he was behind in his mortgage payments prior to seeking a loan modification. Doc. #59.
7 The court has reviewed the documents and pleadings on file in this matter and finds that Rule 11
8 sanctions are not appropriate. First, the court finds that Shaw's motion is procedurally defective
9 because he failed to serve a copy of the motion on defendants and allow them an opportunity to
10 cure any defective behavior prior to filing the instant motion pursuant to Rule 11's safe harbor
11 provisions. *See* FED. R. CIV. P. 11(c)(2). Second, the court finds that defendants' argument that
12 Shaw was behind in his mortgage payments is not a violation of Rule 11(b). Shaw has stated in
13 various documents that he was experiencing financial hardship, including being in default of the
14 loan documents, when he requested the loan modification. *See* Doc. #64, Exhibit A. As such,
15 defendants' arguments to the court had sufficient evidentiary support. Therefore, the court shall
16 deny Shaw's motion for sanctions.

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18 IT IS THEREFORE ORDERED that plaintiff's motion for sanctions (Doc. #59) is
19 DENIED.

20 IT IS SO ORDERED.

21 DATED this 18th day of August, 2014.

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23 
24 LARRY R. HICKS
25 UNITED STATES DISTRICT JUDGE
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